
A BILL FOR AN ACT

RELATING TO BUDGETING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of this Act is to address the
2 executive and judiciary budgets.

3 More specifically, this Act:

4 (1) Requires the executive budget and related documents to
5 identify the position ceiling for each budget program;

6 (2) Requires the position ceiling to separately identify
7 the maximum numbers of permanent and temporary full-
8 time equivalent positions authorized; and

9 (3) Prohibits an agency from exceeding the position
10 ceiling, with certain exceptions.

11 The legislature intends that this Act also apply to the
12 judiciary budget by operation of section 601-2, Hawaii Revised
13 Statutes.

14 This Act applies to budget documents submitted to the
15 legislature after July 1, 2016. The legislature has instituted
16 the delay so that the information technology system for the
17 budget may be upgraded to accommodate the implementation of this
18 Act.



SECTION 2. Chapter 37, Hawaii Revised Statutes, is amended by adding a new section to part IV to be appropriately designated and to read as follows:

"§37- **Position ceiling.** Whenever this part requires a position ceiling to be specified:

(1) The number of permanent positions and temporary positions shall be separately identified; and

(2) The position ceiling shall be expressed in units or fractions of full-time equivalent positions."

SECTION 3. Chapter 76, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§76- **Special, research, or demonstration project positions.** Notwithstanding any law to the contrary, with the approval of the governor, the head of a department may establish and abolish any subordinate position for an employee engaged in a special, research, or demonstration project that is approved by the governor, subject to the limitations of available appropriations."



1 SECTION 4. Section 37-62, Hawaii Revised Statutes, is
2 amended by adding seven new definitions to be appropriately
3 inserted and to read as follows:

4 "Casual hire position" means an hourly-paid temporary
5 position, the services of which are required intermittently.

6 "Full-time equivalent position" means a position, the
7 occupant of which is employed for a normal work week of at least
8 forty hours or its equivalent.

9 "Permanent position" means a position, the existence of
10 which has no time limitation.

11 "Position" means a specific job, whether occupied or
12 vacant, consisting of all duties and responsibilities assigned
13 or delegated by competent authority, requiring the full or part-
14 time employment of one person.

15 "Position ceiling" means the maximum number of permanent
16 and temporary full-time equivalent positions that an expending
17 agency is authorized for a particular program.

18 "Temporary position" means a position, the existence of
19 which has a time limitation, or a position that is not otherwise
20 a permanent position.



1 "Vicing position" means a temporary position created to
2 back-fill for an incumbent who is on an extended period of
3 authorized leave of absence."

4 SECTION 5. Section 37-69, Hawaii Revised Statutes, is
5 amended by amending subsections (c) and (d) to read as follows:

6 "(c) The financial plan for the ensuing six fiscal years
7 shall more specifically include:

8 (1) Economic data for the State and the counties of the
9 following kinds:

10 (A) Population: Including historical, current, and
11 projected population count; population
12 distribution by age and sex; estimated increases
13 and decreases, including increases and decreases
14 by immigration;

15 (B) Employment: Including magnitude of labor force
16 by age and sex; labor force participation rates;
17 employment by age and sex; industry and
18 occupational surpluses and shortages; effects of
19 government programs on employment rate;

20 (C) Income: Including per capita and per family
21 income; disposable income; income distribution;



- 1 (D) Wages and prices: Including wages by industry
2 and occupational groups; prices for government
3 procurement items; construction costs; cost of
4 living index; price indices for components of
5 personal consumption;
- 6 (E) Industry and business trends; and
- 7 (F) Effects of national economic and financial
8 policies and conditions;
- 9 (2) Brief statements disclosing the basis upon which the
10 revenue estimates in the plan were made, including for
11 each specific tax and nontax revenue source:
- 12 (A) The previous projections for the last completed
13 fiscal year and the fiscal year in progress;
- 14 (B) The variance between the projections and the
15 actual or revised estimate, and the reasons for
16 the variances;
- 17 (C) Tax or source base and rates;
- 18 (D) Yield projections of existing revenue sources and
19 existing taxes at authorized rates;
- 20 (E) Assumptions made and methodology used in
21 projections;



1 (F) Changes recommended; and

2 (G) Projected yields if changes are adopted; etc.;

3 (3) At the lowest level on the state program structure,
4 for each program:

5 (A) The total actual program cost for the last
6 completed fiscal year, the estimated cost for the
7 fiscal year in progress, and the estimated cost
8 for each of the next six fiscal years; research
9 and development, operating, and capital costs
10 shall be included and the means of financing
11 shall be identified. The ~~[number of personnel~~
12 ~~positions]~~ position ceiling and all lease
13 payments shall be shown for the program,
14 identified by their means of financing;

15 (B) The program size indicators; the actual size
16 attained in the last completed fiscal year, the
17 estimated size for the fiscal year in progress,
18 and the estimated size for each of the next six
19 fiscal years; and

20 (C) The effectiveness measures; the actual level of
21 effectiveness attained in the last completed



1 fiscal year, the estimated level of effectiveness
2 for the fiscal year in progress, and the
3 estimated level for each of the next six fiscal
4 years;

5 (4) Appropriate displays of paragraph (3) (A) and (C), at
6 every level of the state program structure above the
7 lowest level, by the major groupings of programs
8 encompassed within the level. The displays of
9 [+]paragraph[+] (3) (A) shall appropriately identify
10 the means of financing and [~~the number of positions~~]
11 position ceiling included in the level;

12 (5) Financial summaries displaying the State's financial
13 condition, actual for the last completed fiscal year,
14 and estimated for the fiscal year in progress and each
15 of the next six fiscal years, including:

16 (A) A display of the programmed, total state
17 expenditures, by cost categories, the total state
18 resources anticipated from existing tax and
19 nontax sources at existing rates, by resource
20 categories, including the fund balance or deficit
21 at the beginning of the fiscal year and bond



1 receipts, and the resulting fund balance or
2 deficit at the close of each fiscal year. Lease
3 payments in each cost category shall be stated
4 separately; and

5 (B) The changes proposed to the existing tax and
6 nontax rates, sources or structure, and the
7 estimated increases or reductions in revenues,
8 the estimated cumulative increases or reductions,
9 and the estimated fund balance or deficit in each
10 of the next six fiscal years as a result of such
11 proposed changes. Proposals for changes in the
12 existing tax and nontax rates, sources or
13 structure shall be made in every case where the
14 proposed, total state expenditures exceed the
15 total resources anticipated from existing tax and
16 nontax sources at existing rates.

17 [~~Such~~] The financial summaries shall be prepared for
18 the total state expenditures and resources and for the
19 general fund and special fund portions thereof;

20 (6) A summary of the balance of each special fund, actual
21 for the last completed fiscal year and estimated for



1 the fiscal year in progress and estimated for each of
2 the next six fiscal years;

3 (7) A summary of the State's total bond fund required to
4 carry out the recommended programs and the kinds of
5 bonds and amounts thereof through which the
6 requirements were met in the last completed fiscal
7 year, are to be met in the fiscal year in progress,
8 and are proposed to be met in each of the next six
9 fiscal years. The summary shall detail, for each
10 fiscal year:

11 (A) Of the total bond fund requirements, the amount,
12 by cost categories, requiring new bond issuance
13 authorization and the kinds and amounts of bonds
14 planned for issuance under [~~such~~] the new
15 authorizations;

16 (B) By bond categories, the total, cumulative balance
17 of bonds authorized in prior years but unissued
18 and the amount thereof proposed to be issued; and

19 (C) A recapitulation of the total bonds to be issued,
20 including both new authorizations and prior
21 authorizations, by bond categories;



1 (8) Separately for general fund tax revenues, special fund
2 tax revenues, general fund nontax revenues, and
3 special fund nontax revenues:

4 (A) By kinds of taxes or sources, the amount of
5 revenue from existing, authorized taxes or
6 sources at existing rates received in the last
7 completed fiscal year and estimated to be
8 received in the fiscal year in progress and in
9 each of the next six fiscal years;

10 (B) A summary of the proposed changes in the existing
11 taxes or sources or rates, and the estimated
12 increases or reductions in revenues in each of
13 the next six fiscal years resulting from such
14 changes; and

15 (C) The total estimated revenues with and without the
16 proposed changes in each of the next six fiscal
17 years; and

18 (9) A summary of the State's total payments due under
19 financing agreements required to carry out the
20 recommended programs and the kinds of financing
21 agreements and amounts thereof through which the



1 requirements were met in the last completed fiscal
2 year, are to be met in the fiscal year in progress,
3 and are proposed to be met in each of the next six
4 fiscal years. The summary shall detail, for each
5 fiscal year:

6 (A) Of the total financing agreement requirements,
7 the amount, by cost categories, requiring new
8 financing agreement authorizations and the kinds
9 and amounts of financing agreements planned for
10 execution and delivery under ~~[such]~~ the new
11 authorizations;

12 (B) By cost category, the cumulative balance of
13 financing agreements authorized in prior years
14 but not executed and delivered and the amount
15 proposed to be executed and delivered; and

16 (C) A recapitulation of the total financing
17 agreements to be executed and delivered,
18 including both new authorizations and prior
19 authorizations, by cost categories.

20 (d) The program plans for the ensuing six fiscal years
21 shall more specifically include:



- 1 (1) At the lowest level on the state program structure,
2 for each program:
- 3 (A) A statement of its objectives;
- 4 (B) Measures by which the effectiveness in attaining
5 the objectives is to be assessed;
- 6 (C) The level of effectiveness planned for each of
7 the ensuing six fiscal years;
- 8 (D) A brief description of the activities
9 encompassed;
- 10 (E) The program size indicators;
- 11 (F) The program size planned for each of the next six
12 fiscal years;
- 13 (G) A narrative explanation of the plans for the
14 program. It shall contain, and in general be
15 limited to, the following:
- 16 (i) A description of the kinds of activities
17 carried out or unusual technologies
18 employed;
- 19 (ii) A statement of key policies pursued;
- 20 (iii) Identification of important program or
21 organizational relationships involved;



(iv) A description of major external trends affecting the program;

(v) A discussion of significant discrepancies between previously planned cost, effectiveness, and program size levels and those actually achieved;

(vi) Comments on, and an interpretation of, cost, effectiveness, and program size data over the upcoming budget period, with special attention devoted to changes from the current budget period;

(vii) Comments on, and an interpretation of, cost, effectiveness, and program size data over the four years of the planning period and how they relate to the corresponding data for the budget period; and

(viii) A summary of the special analytic study, program evaluation, or other analytic report supporting a substantial change in the program where such a major program change recommendation has been made;



1 (H) The full cost implications of the recommended
2 programs, by cost categories and cost elements,
3 actually experienced in the last completed fiscal
4 year, estimated for the fiscal year in progress,
5 and estimated for each of the next six fiscal
6 years. The means of financing shall be
7 identified for each cost category. The personal
8 services cost element and the lease payments cost
9 element shall be shown separately; the cost
10 elements of other current expenses, equipment,
11 and motor vehicles may be combined. The ~~[number~~
12 ~~of positions included in]~~ position ceiling for
13 the program shall be appropriately identified by
14 means of financing;

15 (I) A recapitulation of subparagraph (H) for the last
16 completed fiscal year, the fiscal year in
17 progress and each of the next six fiscal years,
18 by means of financing grouped under each cost
19 category. The ~~[number of positions included in]~~
20 position ceiling for any program shall be
21 appropriately identified;



1 (J) An identification of the revenues generated in
2 the last completed fiscal year and estimated to
3 be generated in the fiscal year in progress and
4 in each of the next six fiscal years, and the
5 fund into which [~~sueh~~] the revenues are
6 deposited;

7 (K) Details of implementation of each capital
8 improvement project included in the total program
9 cost, including:

10 (i) A description of the project, location, and
11 scope;

12 (ii) The initially estimated, currently
13 estimated, and final cost of the project, by
14 investment cost elements and by means of
15 financing;

16 (iii) The amounts previously appropriated by the
17 legislature for the project, by cost
18 elements and by means of financing specified
19 in the acts appropriating the sums, and an
20 identification of the acts so appropriating;



- 1 (iv) The costs incurred in the last completed
2 fiscal year and the estimated costs to be
3 incurred in the fiscal year in progress and
4 in each of the next six fiscal years, by
5 cost elements and by means of financing; and
- 6 (v) A commencement and completion schedule, by
7 month and year, of the various phases of the
8 capital improvement project (i.e., land
9 acquisition, design, construction, and
10 occupancy) as originally intended, as
11 currently estimated, and as actually
12 experienced; and
- 13 (L) A crosswalk of the program expenditures, by cost
14 categories and cost elements between the program
15 and expending agencies for the next two fiscal
16 years. The means of financing [~~and the number of~~
17 ~~positions included in~~] for the program costs to
18 be expended by, and position ceiling for, each
19 agency shall be specified; and



(2) Appropriate displays at every level of the state program structure above the lowest level. The displays shall include:

(A) A listing of all major groupings of programs included within the level, together with the objectives, measures of effectiveness, and planned levels of effectiveness for each of the ensuing six fiscal years for each ~~such~~ of the major groupings of programs; and

(B) A summary of the total cost of each cost category by the major groupings of programs encompassed within the level, actual for the last completed fiscal year and estimated for the fiscal year in progress and for each of the next six fiscal years."

SECTION 6. Section 37-71, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The display of financial requirements for the ensuing two fiscal years shall more specifically include:

(1) At the lowest level on the state program structure, for each program:



- 1 (A) The total recommended expenditures, including
2 research and development, capital and operating
3 costs, by cost categories and cost elements for
4 the ensuing biennium; the planned allocation of
5 the total biennial request, by cost categories,
6 and cost elements, between the two fiscal years
7 of the biennium. The means of financing and [the
8 ~~number of positions~~] position ceiling included in
9 any cost category amount shall be appropriately
10 identified;
- 11 (B) A summary showing means of financing the total
12 recommended expenditures, those amounts requiring
13 and those amounts not requiring legislative
14 appropriation or authorization for spending in
15 each fiscal year of the biennium;
- 16 (C) A crosswalk of the total proposed biennial
17 expenditures between the program and expending
18 agencies. The means of financing [~~the number of~~
19 ~~positions~~], position ceiling, and the lease
20 payments included in any cost amount, and the net
21 amount requiring appropriation or authorization



- 1 shall be appropriately identified for each
2 expending agency; and
- 3 (D) The proposed changes in the levels of
4 expenditures, by cost categories, between the
5 biennium in progress and the ensuing biennium,
6 together with a brief explanation of the major
7 reasons for each change. The reasons shall
8 include, as appropriate, the following:
- 9 (i) Salary adjustments to existing positions of
10 personnel;
- 11 (ii) The addition or deletion of positions[+] to
12 or from the position ceiling;
- 13 (iii) Changes in the number of persons being
14 served or to be served by the program;
- 15 (iv) Changes in the program implementation
16 schedule;
- 17 (v) Changes in the actual or planned level of
18 program effectiveness;
- 19 (vi) Increases due to the establishment of a
20 program not previously included in the
21 State's program structure;



(vii) Decreases due to the phasing out of a program previously included in the State's program structure; and

(viii) Changes in the purchase price of goods or services;

As appropriate, references to the program and financial plan shall be noted for an explanation of the changes. Notwithstanding the provisions of subsection (b)(5), the proposed changes in the levels of expenditures may be shown to the nearest thousand dollars;

(2) Appropriate summaries of paragraph (1)(A) and (C) immediately above at every level of the state program structure above the lowest level. ~~[Such]~~ The summaries shall be by the major groupings of programs encompassed within the level. The summaries of paragraph (1)(A) shall identify the means of financing ~~[and the number of positions]~~, position ceiling, and ~~[the]~~ lease payments included in any cost category amount; and



(3) A summary listing of all capital improvement projects included in the proposed capital investment costs for the ensuing biennium. The listing shall be by programs at the lowest level of the state program structure and shall show for each project, by investment cost elements:

(A) The cost of the project;

(B) The amount of funds previously appropriated and authorized by the legislature; and

(C) The amount of new appropriations and authorizations proposed in each of the two fiscal years of the ensuing biennium and in each of the succeeding four years. The amount of the new appropriations and authorizations proposed shall constitute the proposed new requests for the project in each of the fiscal bienniums.

In every instance, the means of financing shall be noted."

SECTION 7. Section 37-74, Hawaii Revised Statutes, is amended to read as follows:



1 **"§37-74 Program execution.** (a) Except as limited by
2 policy decisions of the governor, appropriations by the
3 legislature, and other provisions of law, the several agencies
4 responsible for administering state programs shall administer
5 their program assignments and shall be responsible for their
6 proper management.

7 (b) The appropriations by the legislature for a biennium
8 shall be allocated between the two fiscal years of the biennium
9 in the manner provided in the budget or appropriations act and
10 as further prescribed by the director of finance. The amounts
11 allocated for each fiscal year shall be subject to the allotment
12 system prescribed in chapter 37, part II. Each agency (except
13 the courts), in estimating its quarterly requirements under
14 chapter 37, part II, shall prepare a plan for the fiscal year
15 for the operation of each of the programs it is responsible for
16 administering. The operations plan shall be in [~~such~~] a form
17 and content as the department of budget and finance may
18 prescribe. It shall be submitted, together with the estimated
19 quarterly requirements, to the department of budget and finance
20 on [~~such~~] a date as the department may prescribe.

21 (c) The department of budget and finance shall:



- 1 (1) Review each operations plan to determine:
- 2 (A) That it is consistent with the policy decisions
- 3 of the governor and appropriations by the
- 4 legislature;
- 5 (B) That it reflects proper planning and efficient
- 6 management methods; and
- 7 (C) That appropriations have been made for the
- 8 planned purpose and will not be exhausted before
- 9 the end of the fiscal year;
- 10 provided that the department of budget and finance
- 11 shall review the operations plan submitted by the
- 12 University of Hawaii solely for consistency with the
- 13 allotment ceilings established by the governor under
- 14 section 37-34, appropriations by the legislature, the
- 15 requirements of chapter 37D, and the status of
- 16 revenues to support operations plans for all state
- 17 programs;
- 18 (2) Approve the operations plan if satisfied that it meets
- 19 the requirements under paragraph (1). Otherwise, the
- 20 department of budget and finance shall require



1 revision of the operations plan in whole or in part;

2 and

3 (3) Modify or withhold the planned expenditures at any
4 time during the appropriation period if the department
5 of budget and finance finds that the expenditures are
6 greater than those necessary to execute the programs
7 at the level authorized by the governor and the
8 legislature, or that state receipts and surpluses will
9 be insufficient to meet the authorized expenditure
10 levels; provided that the planned expenditures for the
11 University of Hawaii may be modified or withheld only
12 in accordance with sections 37-36 and 37-37.

13 (d) No appropriation transfers or changes between programs
14 or agencies shall be made without legislative authorization;
15 provided that:

16 (1) Authorized transfers or changes, when made, shall be
17 reported to the legislature;

18 (2) Except with respect to appropriations to fund
19 financing agreements under chapter 37D, the University
20 of Hawaii [~~shall have the flexibility to~~] may transfer
21 appropriated funds and positions for the operating



1 cost category among programs, among cost elements in a
2 program, and between quarters, as applicable; except
3 with respect to appropriations to fund financing
4 agreements under chapter 37D, the department of
5 education [~~shall have the flexibility to~~] may transfer
6 appropriated funds and positions for the operating
7 cost category among programs and among cost elements
8 in a program, and between quarters, as applicable; and
9 the Hawaii health systems corporation and its regional
10 system boards [~~shall have the flexibility to~~] may
11 transfer special fund appropriations among regional
12 system hospital facilities as applicable and as
13 mutually agreed to by the corporation and the
14 respective regional system board; provided that the
15 Hawaii health systems corporation and the regional
16 system boards shall maintain the integrity and
17 services of each individual regional system and shall
18 not transfer appropriations out of any regional system
19 that would result in a reduction of services offered
20 by the regional system, with due regard for statutory
21 requirements, changing conditions, the needs of the



1 programs, and the effective utilization of resources;
2 and

3 (3) The university and the department of education shall
4 account for each transfer implemented under this
5 subsection in quarterly reports to the governor and
6 annual reports at the end of each fiscal year to the
7 legislature and the governor, which shall be prepared
8 in the form and manner prescribed by the governor and
9 shall include information on the sources and uses of
10 the transfer.

11 (e) Effective July 1, 2017, no funds shall be expended to
12 fill a permanent or temporary position for the lowest level of a
13 program if the filling of that position causes the position
14 ceiling for that level of the program to be exceeded; provided
15 that this subsection shall not apply to a:

16 (1) Position established by the University of Hawaii or
17 the Hawaii health systems corporation;

18 (2) Position that is entirely federally funded;

19 (3) Position necessary for compliance, without undue
20 delay, with a court order or decree if the director of
21 human resources development determines that



1 recruitment through normal civil service procedures
2 would result in delay or noncompliance;

3 (4) Position approved by the governor for a special,
4 research, or demonstration project of an agency;

5 (5) Position approved by the governor to perform an
6 emergency management function under the department of
7 defense pursuant to the authority of section
8 127A-12(b)(9);

9 (6) Casual hire position;

10 (7) Vicing position;

11 (8) Position established by an agency pursuant to express
12 statutory authorization to establish the position; and

13 (9) Position established by an agency for a program or
14 project funded by an appropriation in an act other
15 than a general or supplemental appropriations act."

16 SECTION 8. Section 37-75, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§37-75 Variance report.** Not fewer than thirty days prior
19 to the convening of each regular session of the legislature, the
20 governor shall submit to the legislature and to each member
21 thereof a report on program performance for the last completed



1 fiscal year and the fiscal year in progress. In format, the
2 report generally shall follow the fiscal requirements portion of
3 the executive budget or budgets. The report shall include:

4 (1) At the lowest level of the program structure, for each
5 program contained in the budget finally approved by
6 the legislature for the last completed fiscal year and
7 the fiscal year in progress:

8 (A) A comparison, by the operating and research and
9 development cost categories, of the budgeted
10 expenditures and the actual expenditures for the
11 last completed fiscal year and the budgeted
12 expenditures and the estimated expenditures for
13 the fiscal year in progress;

14 (B) A comparison, for the operating and research and
15 development cost categories, of the budgeted
16 expenditures and [~~positions authorized~~] position
17 ceiling and the actual expenditures and positions
18 filled in the last completed fiscal year and a
19 comparison of the budgeted expenditures and the
20 [~~number of positions authorized~~] position ceiling
21 for the fiscal year in progress and the actual



1 expenditures and number of positions filled in
2 the first three months of the fiscal year in
3 progress and the estimated expenditures and
4 number of positions expected to be filled in the
5 remaining months of the fiscal year in progress;

6 (C) The program size indicators and a comparison of
7 the program size anticipated and the size
8 actually realized in the last completed fiscal
9 year and the program size anticipated and the
10 size estimated for the fiscal year in progress;

11 (D) The effectiveness measures and a comparison of
12 the level of effectiveness anticipated and the
13 level actually attained in the last completed
14 fiscal year and the level of effectiveness
15 anticipated and the level estimated for the
16 fiscal year in progress; and

17 (E) A narrative explanation of the significant
18 differences for the last completed fiscal year in
19 each of the comparisons made in subparagraphs
20 (A), (B), (C), and (D), including an explanation
21 of the basis upon which the original estimates



1 were made and the reasons why the estimates
2 proved accurate or inaccurate, and a statement of
3 what the actual experience portends for the
4 future of the program in terms of costs, size,
5 and effectiveness;

6 provided that expenditure amounts in the comparisons
7 shall be shown to the nearest thousand dollars;

8 (2) Appropriate summaries at each level of the state
9 program structure for each major grouping of programs
10 encompassed therein, showing:

11 (A) A comparison of the total budgeted expenditure
12 and the total actual expenditure for the last
13 completed fiscal year and the total budgeted
14 expenditure and the total estimated expenditure
15 for the fiscal year in progress; provided that
16 the expenditure amounts shall be shown to the
17 nearest thousand dollars;

18 (B) The effectiveness measures and a comparison of
19 the level of effectiveness anticipated and the
20 level actually attained in the last completed
21 fiscal year and the level of effectiveness



1 anticipated and the level estimated for the
2 fiscal year in progress; and

3 (C) A narrative explanation summarizing the major
4 reasons for the differences in the comparisons
5 made for the last completed fiscal year in
6 subparagraphs (A) and (B); and

7 (3) A narrative explanation of the significant variations
8 in capital improvement costs; provided that capital
9 improvement project variances shall be referenced to
10 the six-year program and financial plan, which shall
11 contain the information specified in section
12 37-69(d)(1)(K)."

13 SECTION 9. Section 601-2, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The chief justice shall possess the following powers,
16 subject to such rules as may be adopted by the supreme court:

17 (1) To assign circuit judges from one circuit to another;

18 (2) In a circuit court with more than one judge, (A) to
19 make assignments of calendars among the circuit judges
20 for such period as the chief justice may determine
21 and, as deemed advisable from time to time, to change



1 assignments of calendars or portions thereof (but not
2 individual cases) from one judge to another, and (B)
3 to appoint one of the judges, for [~~such~~] a period as
4 the chief justice may determine, as the administrative
5 judge to manage the business of the court, subject to
6 the rules of the supreme court and the direction of
7 the chief justice;

8 (3) To prescribe for all of the courts a uniform system of
9 keeping and periodically reporting statistics of their
10 business;

11 (4) To procure from all of the courts estimates for their
12 appropriations; with the cooperation of the
13 representatives of the court concerned to review and
14 revise them as the chief justice deems necessary for
15 equitable provisions for the various courts according
16 to their needs and to present the estimates, as
17 reviewed and revised by the chief justice, to the
18 legislature as collectively constituting a unified
19 budget for all of the courts;

20 (5) To exercise exclusive authority over the preparation,
21 explanation, and administration of the judiciary



1 budget, programs, plans, and expenditures, including
2 without limitation policies and practices of financial
3 administration and the establishment of guidelines as
4 to permissible expenditures, provided that all
5 expenditures of the judiciary shall be in conformance
6 with program appropriations and provisions of the
7 legislature, and all powers of administration over
8 judiciary personnel that are specified in Title 7; and
9 (6) To do all other acts [~~which~~] that may be necessary or
10 appropriate for the administration of the judiciary.
11 The budget, supplemental budget, six-year program and financial
12 plan, and the variance report of the judiciary shall be
13 submitted by the chief justice to the legislature in accordance
14 with the schedule of submission specified for the governor in
15 chapter 37 and shall contain the program information prescribed
16 in that chapter[.] as applicable to the judiciary. By
17 November 1 of each year preceding a legislative session in which
18 a budget is to be submitted, the chief justice shall provide
19 written notification to the governor of the proposed total
20 expenditures, by cost categories and sources of funding, and



1 estimated revenues of the judiciary for each fiscal year of the
2 next fiscal biennium[-] or fiscal year, as applicable."

3 SECTION 10. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 11. This Act shall take effect on January 7, 2059,
6 and shall apply to the six-year program and financial plans,
7 budgets, supplemental budgets, and variance reports submitted to
8 the legislature, beginning with the regular session of 2017;
9 provided that section 3 shall take effect upon approval.



Report Title:

State Budget; Position Ceiling, Temporary Positions

Description:

Requires "position ceilings" to be included in the executive budget and related documents. Requires a "position ceiling" to separately identify the maximum number of permanent and temporary positions authorized in the executive budget. Prohibits the expenditure of funds on positions exceeding the applicable ceiling, with certain exceptions. Authorizes department heads, with the approval of the governor, to establish positions for special, research, and demonstration projects, provided that funding is available for the positions. States intent that the provisions also apply to the judiciary budget by operation of existing law. Effective date 1/7/2059; except that section 3 of the bill takes effect upon approval. (SD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

